

Examiner: Kara E. Geisel

DC01/2362067, 1

Patent Application Laid-Open No. H1-115170, Japanese Patent Application Laid-Open No. H9-089669 and Japanese Patent Application Laid-Open No. S63-193559, these documents are not listed on the attached PTO Form 1449 because they were previously cited in an Information Disclosure Statement in this application on May 26, 2006.

The relevance of each of the attached foreign language documents can be understood at least from the attached English-language abstracts, and/or from the citations of the documents in the attached Japanese Office Action dated October 6, 2009.

Applicants respectfully request that the Examiner consider the listed documents and evidence that consideration by making appropriate notations on the attached PTO Form 1449.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that any of the listed documents are material or constitute "prior art." If it should be determined that any of the listed documents do not constitute "prior art" under United States law, Applicants reserve the right to present to the Office the relevant facts and law regarding the appropriate status of such documents.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should any of the documents be applied against the claims of the present application.

**EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. § 1.16 and 1.17 which may be required, including

any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0573.


This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.13(a)(3).

Respectfully submitted,

**DRINKER, BIDDLE & REATH LLP**

Dated: November 5, 2009

By:



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